

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN JAY STEELE,

Defendant.

CR-14-26-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 16, 2024. (Doc. 98.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a evidentiary hearing on September 10, 2024 and a revocation hearing on October 15, 2024. (Docs. 91 and 96.) The United States

accused Dustin Steele (Steele) of violating his conditions of supervised by: (1) violating state law by being arrested on July 12, 2024, and charged with the misdemeanor offenses of Criminal Trespass to Vehicle in violation of Mont. Code Ann. § 45-6-202(1) and Resisting Arrest in violation of Mont. Code Ann. § 45-7-301; (2) failing to follow the instructions of his probation officer by failing to report on July 15, 2024 and failing to be present for a home contact on August 7, 2024; (3) failing to notify his probation officer within ten days of a change of his employment; and (4) failing to participate in outpatient mental health treatment on June 24, 2024, and July 12, 2024; and (5) failing to comply with substance abuse testing requirements on September 18, 2024; and (6) failing to comply with the condition of home confinement on September 18, 2024. (Docs. 81 and 92.)

The Court conducted an evidentiary hearing on September 10, 2024. The Court determined that the Government had met its burden that one or more of the allegations set forth in the Petition were more likely than not true in regard to allegations: (2) failing to follow the instructions of his probation officer by failing to report on July 15, 2024, and failing to be present for a home contact on August 7, 2024; (3) failing to notify his probation officer within ten days of a change of his employment; and (4) failing to participate in outpatient mental health treatment on June 24, 2024, and July 12, 2024. The Government moved to dismiss allegation: (1) violating state law by being arrested on July 12, 2024, and charged

with the misdemeanor offenses of Criminal Trespass to Vehicle in violation of Mont. Code Ann. § 45-6-202(1) and Resisting Arrest in violation of Mont. Code Ann. § 45-7-301, which the Court granted. The Court determined Steele's violations are serious and warrant revocation of his supervised release (Doc. 91.)

Judge Johnston conducted a sentencing hearing on October 15, 2024. Judge Johnston found that the violations prove serious and warrants revocation of his supervised release and recommends a sentence of 12 months on Count 2 and to 12 months on Count 3, with the custodial terms to run concurrently, and with no term of supervised release to follow on both counts. (Doc. 98.)

Steele was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 96.)

The violations prove serious and warrants revocation of Steele's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 98.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Dustin Jay Steele be sentenced to custody for a term of 12 months on Count 2 and to 12 months on Count 3, with the custodial terms to run concurrently, and with no term of supervised release to follow on both counts.

DATED this 4th day of November, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court